

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 16, 1999

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

Each of the following:

B121722 Gelb v. W.C.A.B.
B131459 Kristy C. v. S.C.L.A.
B107448 Sanford v. Mojave Ore Corporation
B092068 People v. Reyes et al.
B128788 County of Los Angeles v. Maria M.
B121913 People v. Glen
B119469 People v. Bryant
B123536 People v. Evans

Argument waived, cause submitted.

B122854 Campbell
 v.
 City of Inglewood

Merits:

Argued by Donald W. Cook for appellant. Argument waived by respondent. Cause submitted.

B123070 Newport Equity Capital Corporation
 v.
 Irenda Corporation

Merits:

Argued by Michael P. Balaban for appellant. No appearance by respondent. Cause submitted.

DIVISION THREE (Continued)

B109821 Zahiri
 v.
 Yassai et al.

Merits:
Argued by Clifford W. Roberts for appellants and by Thomas W. Dressler
for respondent. Cause submitted.

B124318 People
 v.
 Sainz

Merits:
Argued by Seymour I. Amster for appellant and by Ellen Birnbaum Kehr
for respondent. Cause submitted.

B126081 County of Los Angeles
 v.
 Robert G.

Merits:
Argued by Leonard Linares for appellant and by Gary Gross, deputy county
counsel, for respondent. Cause submitted.

B122881 Troutner
 v.
 Kalvin

Merits:
Argued by Herbert H. Hiestand for appellant and by Howard V. Sheehan,
Jr. for respondent. Cause submitted.

DIVISION THREE (Continued)

B112357 People v. Gordon
B130290 In Re Philip Gordon on Habeas Corpus

Merits:

Argued by Carlo Andreani for appellant and by Susan Sullivan, deputy attorney general, for respondent. Cause submitted.

The Court recessed at 11:53 A.M.

The Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

B120122 Galpin Motors, Inc.
v.
XL Insurance Brokerage

Merits:

Argued by George J. Wang for appellant and by Stephen J. Turner for respondent. Cause submitted.

B122526 Stevens
B122539 v.
S.C.L.A.
(API Automobile Insurance Services, r.p.i.)

Merits:

Argued by Norman Goldman for petitioner and appellant and by William J. Kopeny and Larry Dunlap for real parties in interests and respondents. Cause submitted.

DIVISION THREE (Continued)

B101430 Dwyer
v.
Guinness PLC
Ward

Merits:

Argued by David H. Loomis for appellant and by Matthew Heartney for respondent. Cause submitted.

The Court adjourned at 3:50 P.M.

B121824 American International (Not for Publication)
Industries, et al
v.
Superior Court, Los Angeles County
(Matthew Urbach et al., r.p.i.)

The demurrer to the petition is overruled. The alternative writ having served its purpose is discharged. Let a writ of mandate issue directing respondent superior court to vacate its order denying the motion for judgment on the pleadings as to the first five causes of action a to grant the motion as to those causes of actions. Each party to bear respective costs in this proceedings.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B124280 In Re Rodney (Certified for Partial Publication)
 on
 Habeas Corpus

The petition for habeas corpus is granted. The case is remanded for resentencing. If the trial court selects the sentencing scheme under section 667.6, subdivision (c), it must provide a statement of reasons justifying its decision.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

B123149 People (Not for Publication)
 v.
 Williams

For the foregoing reasons, we reverse the trial court's findings that: (1) appellant's conviction in Case Number A023836 for assault on a police officer in violation of Penal Code section 245, subdivision (b) constituted a prior conviction within the meaning of the Three Strikes law; (2) appellant had six prior convictions within the meaning of Penal Code section 667.5, subdivision (b); and (3) appellant was subject to a \$150 fine pursuant to Health and Safety Code section 11372.5. In all other respects, the findings of the jury and the court are affirmed. The matter is remanded for further proceedings, including correction of clerical error, in accord with this opinion.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

DIVISION FOUR (Continued)

[illegible]

For the foregoing reasons, the judgment is modified to impose a fine in the sum of \$200 pursuant to Penal Code section 1202.4, and to impose and suspend a fine in the sum of \$200 pursuant to Penal Code section 1202.45. As modified the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment in accord with this modification.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B129856 Tiffany M. (Not for Publication)
v.
Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

The petition is denied.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B115915 Bourget Brothers Building Materials (Not for Publication)
v.
County of Los Angeles

The judgment is affirmed. Bourget is to recover its costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
Grignon, J.

DIVISION SIX

B126031 D.D. Ford Construction, etc., et al. (Not for Publication)
 v.
 Birges, etc.

That portion of the trial court's July 30, 1998 order denying Birges' motion for attorney's fees and costs is reversed. On remand, the trial court shall enter a new order awarding Birges the costs and attorney's fees he incurred in connection with his motion to dismiss in No. 117380. Birges shall also recover his costs and attorney's fees in the instant appeal, No. B126031.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B119044 People (Not for Publication)
 v.
 Jose G.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B118977 People (Not for Publication)
 v.
 Hill

The one-year consecutive sentence imposed on count 11 is stayed pursuant to section 654. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SIX (Continued)

B126848 County of Santa Barbara (Not for Publication)
 v.
 Mariscal

The judgment is affirmed and costs are awarded to respondent.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B125367 Ward (Not for Publication)
 v.
 Board of Trustees of Santa Barbara Community College District

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B126889 People (Not for Publication)
 v.
 Gordus

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B120892 People (Not for Publication)
v.
Troupe et al.

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.